

## PATENT

HP Docket No.: 10005619-1  
App. Serial No. 09/809,150

REMARKS

Claims 1-9, 21, 23, and 28-30 are pending of which claim 1 is independent. Claim 22 is canceled herein.

Claim 22 was rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-6, 21-23 and 28-30 were rejected under 35 U.S.C § 103(a) as being unpatentable over Websphere product as evidenced by McCord, Mark, "IBM rolls out suite for easy Internet access" (referred to as McCord) in view of Beck, Bob et al., "IBM Websphere Everyplace Suite v 1.1 White Paper" (referred to as Beck) in further view of Gregory (6,490,567) in further view of Stolfo et al.(2001/0044785) (referred to as Stolfo).

Claims 7-9 was rejected under 35 U.S.C § 103(a) as being unpatentable over McCord in view of Beck, in further view of Gregory, in further view of Stolfo, in further view of Godden (6,401,077).

These rejections are respectfully traversed for the reasons stated below.

REJECTION UNDER 35 USC §112 first paragraph

Claim 22 was rejected under 112 first paragraph as allegedly failing to comply with the enablement requirement. Claim 22 is canceled and combined with claim 1. Claim 22 recited,

a virtual identifier of the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range.

As the Examiner correctly points out in the rejection, these featured are described on page 15, lines 1-5 of the Applicants' specification, which described a beacon transmitting or broadcasting a virtual identifier and a laptop or PDA receiving the virtual identifier when in

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range of the beacon. However, the rejection indicates that the beacon is not described and the specification fails to describe how the source receives a virtual identifier.

The description in the specification is adequate for one of ordinary skill in the art to make and use the invention. One of ordinary skill in the art would know how to make and use a transmitter transmitting information and that a conventional PDA or a laptop could receive transmitted data when within range of the transmitter, for example, via a wireless network interface.

**REJECTIONS UNDER 35 USC §103(a)**

1. Claims 1-6, 21-23 and 28-30 were rejected under 35 U.S.C § 103(a) as being unpatentable over McCord in view of Beck, in further view of Gregory, in further view of Stolfo.

Claim 1 has been amended to include the features of claim 22. Claim 1 recites,

wherein the web page is for a merchant web site and a virtual identifier identifying the merchant web site is determined by passively interrogating a source, the source being operable to transmit or broadcast the virtual identifier to a client device in a predetermined range;

The rejection of claim 22 takes official notice to these features. The official notice was traversed in the last response, but the rejection states that the traversal was improper because the traversal failed to provide any reason why the notice is not common knowledge.

The rejection states,

broadcasting virtual identifiers was old and well known in the electronic advertising arts. The motivation for broadcasting virtual identifiers was to seek potential customers for goods and services. It would have been obvious to one of ordinary skill in the art at the time of the Applicants' invention to include the aforementioned limitation within Websphere for the motivation stated above.

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The reason why the notice is not common knowledge, at the time of the Applicants' invention, is because broadcasting a virtual identifier identifying a merchant web site from a source so devices within range of the source can receive the virtual identifier identifying the merchant web site was not done at that time. Instead, a virtual identifier identifying a merchant web site was traditionally found by performing a search on the Internet or provided through commercials. If the rejection is maintained, the Examiner must provide a reference teaching the claimed features recited above.

Furthermore, it would not have been obvious to one of ordinary skill in the art to combine the claimed passively interrogating a source, wherein the source is operable to transmit or broadcast the virtual identifier to a client device in a predetermined range with the Websphere disclosed in Beck. The Websphere is described in detail in Beck. Beck discloses a wireless gateway for performing protocol conversions. See pp. 10-11. However, cellular gateways are provided in the infrastructure of the cellular network, typically away from users. Furthermore, these gateways are responsible for processing and performing protocol conversions for many requests a second. Thus, these gateways are not designed to perform other tasks such as mediated shipping services or transmitting or broadcasting the claimed virtual identifier. If these gateways had to perform these additional tasks, they would not be able to perform the processing and protocol conversions for the many requests that are received a second. Thus, it would not have been obvious to one of ordinary skill in the art to combine the claimed passively interrogating a source with Websphere because the gateways are provided in the infrastructure of the cellular network, typically away from users and the gateways are not designed to perform these additional tasks.

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Furthermore, the rejection combined the teachings of Gregory and Stolfo with McCord and Beck to allegedly disclose the claimed mediated shipping services of claim 1. Claim 1 recites,

the mediator directly providing the delivery information to a shipping company and arranging for the shipping company to pick-up the merchandise from the merchant.

The rejection alleges directly providing the delivery information to a shipping company is disclosed in paragraph 32 of Stolfo. However, Stolfo discloses a merchant rather than a mediator provides a shipping label. The rejection ignores the claim language that the mediator provides the delivery information and arranges for the shipping company to pick-up the merchandise.

Furthermore, it would not have been obvious to combine the shipping services of Stolfo and Gregory in the gateway disclosed in Beck, because the cellular gateway in Beck is not designed to handle the additional processing tasks of mediated shipping services.

Claim 23 recites wherein the readable code is printed code that is scanned or the readable code is displayed and scanned from the display. None of the prior art of record discloses the claimed readable code.

Claims 28 and 29 recite converting the requested information to a plurality of different protocols and display formats. The rejection alleges Beck on pp 7-8 discloses these features. On page 7, Beck discloses the Everyplace Wireless Gateway providing connectivity for several types of cellular networks. However, neither Beck nor any of the other prior art of record discloses converting the requested information to a plurality of different protocols and display formats. Instead, the gateway will only provide connectivity for the particular cellular network of the user, which is only a single cellular network rather than a plurality of different cellular networks.

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For at least these reasons, claims 1-6, 21-23 and 28-30 are believed to be allowable.

2. Claims 7-9 was rejected under 35 U.S.C § 103(a) as being unpatentable over McCord in view of Beck, in further view of Gregory, in further view of Stolfo, in further view of Godden. Claim 7-9 are believed to be allowable for at least the reasons claim 1 is believed to be allowable. Furthermore, it would not have been obvious to combine the features of claims 7-9 in the cellular gateway disclosed in Beck, because the cellular gateway in Beck is not designed to handle the additional processing tasks described in claims 7-9.


**CONCLUSION**

As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, the Applicants respectfully request issuance of a Notice of Allowability. If the undersigned attorney can assist in any matters regarding examination of this application, the Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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By

  
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